

DAVID WHISNANT,)
)
Plaintiff,)
)
v.) Civil Action No. 3:05-CV-139
) Phillips/Shirley
)
CARITEN HEALTHCARE, CARITEN)
HEALTH PLAN, INC., CARITEN)
INSURANCE COMPANY, and CARITEN)
TPA SERVICES,)
)
Defendant.)

This matter is before the Court on defendants' motion for summary judgment [Doc. 4] and plaintiff's motion to remand [Doc.10]. The defendants filed a response to plaintiff's motion to remand [Doc. 11] on October 13, 2005. In its response, the defendants concede that there is a "church plan" exclusion found in section 1003(b) of ERISA. Further, the defendants state that there is an exception from the exclusion if the church plan elects to be governed by ERISA under section 410(d) of Title 26. However, the defendants have decided to consent to an order of remand rather than consuming the resources of the parties and the Court in establishing and deciding whether or not the exclusion or the exception applies, and because the state courts have concurrent jurisdiction over ERISA claims.

For good cause, this matter is **REMANDED** to the Chancery Court for Knox County, Tennessee.

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
United States District Judge